

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BREATHING ASSISTANCE APPARATUS

the specification of which

(check one) is attached hereto.
 was filed on March 30, 2005 as Application Serial No. PCT/NZ2005/000062
 and amended on September 27, 2006.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed		
<u>532108</u> (Number)	<u>New Zealand</u> (Country)	<u>April 2, 2004</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
 <hr style="border-top: 1px solid black;"/> (Number)	 <hr style="border-top: 1px solid black;"/> (Country)	 <hr style="border-top: 1px solid black;"/> (Day/Month/Year Filed)	 <hr style="border-top: 1px solid black;"/> <input type="checkbox"/> Yes <input type="checkbox"/> No

Prior Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

 (Application Number)

 (Filing Date)

 (Application Number)

 (Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below; insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<hr style="border-top: 1px solid black;"/> (Application Serial No.)	<hr style="border-top: 1px solid black;"/> (Filing Date)	<hr style="border-top: 1px solid black;"/> (Status: patented, pending, abandoned)
<hr style="border-top: 1px solid black;"/> (Application Serial No.)	<hr style="border-top: 1px solid black;"/> (Filing Date)	<hr style="border-top: 1px solid black;"/> (Status: patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Richard A. Giangiorgi, Reg. 24,284; Raiford A. Blackstone, Jr., Reg. 25,156; David J. Marr, Reg. 32,915; Linda L. Palomar, Reg. 37,903; James R. Foley, Reg. 39,979; James A. O'Malley, Reg. 45,952; Timothy M. McCarthy, Reg. 42,855; and Paige A. Kitzinger, Reg. 45,219.

SEND CORRESPONDENCE TO: **TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.**
105 W. ADAMS STREET, CHICAGO, IL 60603

DIRECT TELEPHONE CALLS TO: (312) 704-1890 **Raiford A. Blackstone, Esq.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor **ALASTAIR EDWIN McAULEY**
Inventor's signature _____ Date _____

Residence **58A Ngapuhi Road, Remuera, Auckland, New Zealand**
Citizenship **New Zealand**

Post Office Address **Same**

(Supply similar information and signature for second and subsequent joint inventors.)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second inventor **IVAN MILIVOJEVIC**
Inventor's signature _____ Date _____

Residence **75 Ravensworth Gardens, Cambridge, CB12XN, United Kingdom**
Citizenship **New Zealand**

Post Office Address **Same**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of third inventor **AIDAN MARK SHOTBOLT**
Inventor's signature _____ Date _____

Residence **168 Gladstone Road, Dalmore, Dunedin, New Zealand**
Citizenship **New Zealand**

Post Office Address **Same**